

**REMARKS:**

In the outstanding Office Action, the Examiner rejected claims 1-11. No new matter is presented. Thus, claims 1-11 are pending and under consideration. The rejections are traversed below.

**REQUEST FOR AN EXAMINER INTERVIEW:**

A telephone call was made to the Examiner to arrange an Examiner Interview who indicated that the Examiner was unavailable to conduct the Interview due to a conference.

Applicants respectfully request that the Examiner contact the undersigned to arrange an Interview at a time and date of convenience but before the Examiner acts on the case for the purpose of clarifying claimed invention.

**REJECTION UNDER 35 U.S.C. §103(a):**

Claims 1-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,467,684 (Fite) and/or U.S. Patent No. 5,897,621 (Boesch).

The Examiner acknowledges that Boesch and Fite do not disclose applying bearer bond means using existing payment protocols, but the Examiner states that applying a pre-paid card as a payment using existing payment protocols is well known in the art. The Applicants respectfully traverse the Examiner's statement and demand the Examiner to produce authority for the statement. The Applicants specifically point out the following errors in the Examiner's action.

First, the Examiner uses common knowledge ("well-known") evidence for the rejection. As explained in the M.P.E.P.,

any facts so noticed should... serve only to "fill in the gaps" in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground for rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection is based.

**M.P.E.P. § 2144.03**

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the limitation is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, this limitation is unique to the

present invention (see, M.P.E.P. § 2144.03(A) (the notice of facts beyond the record which may be taken by the Examiner must be “capable of such instant and unquestionable demonstration as to defy dispute”).

Third, there is no evidence supporting the Examiner’s assertion (see, M.P.E.P. § 2144.03(B) (“there must be some form of evidence in the record to support an assertion of common knowledge”).

Fourth, the Examiner appears to be basing the rejections, at least in part, on personal knowledge. The Examiner is required under 37 C.F.R. § 1.104(d)(2) to support such assertion with an affidavit when called for by the Applicant. The Examiner is called upon to support such assertion.

Further, even if the Examiner’s assertion and rejection based on common knowledge is valid, the present invention is distinguishable as discussed below.

The Examiner states that many merchants allow a purchaser to pay for products purchased using many different payment options such as credit cards, debit cards, etc., and in cases where the purchaser pays by a prepaid card, the merchant uses the existing payment protocols to process the payment the same as processing payments using credit and debit cards. Applicants respectfully disagree with the Examiner’s assertion because the payment options discussed by the Examiner do not enable merchants to use existing payment protocols without the identity of the cardholder or user being known.

Independent claims 1, 2 and 8 recite that the bearer bond or electronic document is used “without link to identity of a specific user.”

Similarly, independent claims 9-11 also recite, “without linking the verification information to identity of a specific user”, “interactive electronic bearer document enabled to be accessible by any user to be used as the form of payment” and “electronic document being non-specific to identity of the user”, respectively.

In contrast to the payment options discussed by the Examiner, which require identity of the user be known to enable use as a form of payment, the present invention does not require linking identity information of the user.

Fite is directed to a pre-paid card system where a card (20) having a unique identity number printed on the rear is dispensed to customers using an automated card dispenser which the customers may use for purchases by inserting into vendor terminals (14) (see, col. 3, lines 3

through 29 and FIG. 2). That is, the pre-paid card Fite system is not applicable to existing payment protocols.

Further, a merchant who wants to use the Fite pre-paid card system is required to be registered in a host database (12) and provided with identification information including an account associated therewith (see, col. 1, lines 52-57 and col. 3, lines 53-65). As such, Fite does not provide interoperability of the pre-paid cards with existing payment protocols.

The Examiner combines Boesch with Fite to reject claims 3-7.

Independent claim 3, by way of example, recites, "selecting an item costing a first value in a first currency", "converting the first value in the first currency into a second value in a second currency" and "executing an electronic transaction by using the second value of the second currency as payment for the item without linking identity of parties to execute the electronic transaction." Claims 4-7 depend from claim 3.

In Boesch, the price for a product is in a currency accepted by a merchant user (303) and selected by a customer user (203) as payment to the merchant user (303) for the product (see, col. 7, lines 7-19). For example, when using the multi-currency system of Boesch, the customer user may use the merchant's non-universal payment method or other existing payment methods (e.g., visa, master card, American express, discover etc.) requiring the customer to reveal identity thereof for using existing methods of electronic payment.

Boesch and Fite, alone or in combination, do not teach or suggest the present invention's ability to use existing payment protocols without disclosing a user's identity. The present invention enables use of existing methods of payment (e.g., visa, master card, American express, discover etc.) while a user's identity is unknown.

Boesch and Fite do not teach or suggest performing monetary transactions "without linking the bearer bond to identity of a specific user" and using "the bearer bond as a payment using existing payment protocols", as recited in claims 1, 2 and 8 ("electronic online bearer bond" in claim 8 and "electronic document" in claim 2). Claims 9-11 recite similar features.

Moreover, Boesch and Fite do not teach or suggest "executing an electronic transaction by using the second value of the second currency as payment for the item without linking identity of parties to execute the electronic transaction", as recited in claim 7.

It is submitted that the independent claims are patentable over Fite and Boesch.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the Fite and Boesch. The dependent claims are also independently patentable. For example, as recited in claim 6, "an electronic bearer document is used as payment for the item", thereby enabling a universally accepted form of payment in an electronic transaction. The Fite and Boesch, alone or in combination, do not teach or suggest these features of claim 6.

In light of the above, reconsideration and withdrawal of the rejection is respectfully requested.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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